

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1975.03
COMPLAINT INVESTIGATOR:	Susan Reimlinger
DATE OF COMPLAINT:	November 7, 2002
DATE OF REPORT:	December 5, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 14, 2003

COMPLAINT ISSUES:

Whether the Alexandria Community School Corporation and the Anderson Community Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the Student's individualized education program (IEP) as written, specifically, by not providing required speech services.

511 IAC 7-27-6(a)(2), (3), and (5) by failing to include a statement in the Student's IEP regarding the Student's speech goals, the special education and related services provided to meet those goals, the projected dates for initiation of speech services and a description of the length, frequency, location, and duration of speech services.

FINDINGS OF FACT:

1. The student (Student) is 5 years old, and is eligible for special education and related services as a student with a mild mental disability and a communication disorder. The Student is served in a general education kindergarten class, with time also spent in a resource room.
2. The CCC met on August 23, 2002, to develop an IEP after the student moved in from another school corporation within the same special education planning district. Two additional case conferences to amend the IEP were held on August 28, 2002, and November 18, 2002.
3. The Complainant asserts that the Student's August 23, 2002, IEP does not include any goals related to speech. There is only one goal written for the August 23 IEP - "improve one grade level" - which does not include or exclude speech needs. The objectives for this goal address many academic readiness skills, none of which specifically include speech needs. The August 28, 2002, IEP addendum does not include any additional goals. The November 18, 2002 IEP does contain a speech goal.
4. The Complainant asserts that the Student's August 23, 2002, IEP does not indicate length, frequency, and location for the speech service. The School's IEP form indicates that services would be delineated on the same page as a goal would be written. The only service delineated for the one goal is "resource room for 40 minutes 4 times per week." The discussion section of this same IEP states "speech 2x/20 min. Start late September"; there is no indication of frequency or location for the speech service. The August 28, 2002, IEP addendum does not address speech in either the discussion notes or a goal page. Discussion notes for the November 18, 2002, IEP addendum indicate "4x/wk - 3x after school and 1x during the school day"; there is no indication of length or location. The initiation and duration of

the August 23, 2002, IEP is indicated as being August 26, 2002, to May 30, 2003; the initiation of the speech service is indicated as being "late September."

5. The Complainant asserts that the August 23, 2002, IEP is not being implemented in that the speech service has not been delivered. Documentation indicates that in early October 2002, the speech/language pathologist designated to deliver the Student's speech service required an extended medical leave. Multiple documents indicate the efforts of the School to provide the service either by hiring a replacement or contracting with an outside agency, neither of which occurred. However, the Coordinator assures that existing staff has been rearranged and the service was to have started on November 19, 2002.

CONCLUSIONS:

1. Finding of Fact #3 indicates that the August 23, 2002, IEP does not contain a speech goal. Therefore a violation of 511 IAC 7-27-6(a)(2) is found.
2. Finding of Fact #4 indicates that the August 23, 2002, IEP does address the speech service, including the initiation and duration, but not frequency and location. The November 18, 2002, IEP includes the frequency, but not length and location. Therefore no violation of 511 7-27-6(a)(3) is found, but a violation of 511 7-27-6(a)(5) is found.
3. Finding of Fact #5 indicates that delivery of the speech service did not start until November 19, 2002. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Anderson Community Special Education Cooperative shall:

1. Convene a case conference to revise the Student's IEP to clearly indicate the length, frequency, and location for the speech service as indicated in the speech goal of the November 18, 2002, IEP addendum. The CCC must also consider the need for compensatory services resulting from the School's failure to implement the IEP as written; should a need for compensatory services be determined, the IEP must clearly indicate the plan for delivering the compensatory service. The School must ensure that the IEP is an "agreed-upon IEP" with consent from the parent/guardian. A copy of the CCC Report / IEP shall be sent to the Division no later than January 10, 2003.
2. Send a written reminder to building administrators and special education personnel regarding the requirement in 511 IAC 7-27-6(a)(5) about documenting in each IEP the length, frequency, and location of all services. A copy of the written memorandum and an assurance statement that the memorandum was sent to building administrators and special education personnel shall be sent to the Division no later than January 10, 2003.
3. An assurance statement that the speech service is being delivered per the IEP, and documentation of each speech session that has occurred, shall be sent to the Division no later than February 28, 2003.